

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

Z, INC. D/B/A Z FEDERAL,)	
)	
Plaintiff,)	
)	No. 19-443
v.)	
)	Senior Judge Smith
THE UNITED STATES,)	
)	
Defendant.)	
)	
)	

DEFENDANT’S NOTICE OF CORRECTIVE ACTION

Defendant, the United States, respectfully provides notice that the Federal Deposit Insurance Corporation (FDIC) intends to take corrective action in this case. Specifically, FDIC has agreed to re-evaluate the prices proposed by offerors in response to Solicitation CORFD-19-R-0001 (RFP) and to re-accomplish its best-value analysis in support of a new award decision. FDIC also agrees to hold timely post-award debriefings, if requested, with plaintiff Z, Inc. or any other offeror in accordance with Section 3.216 of the FDIC Acquisition Procedures, Guidance and Information.

FDIC also acknowledges that the transition to the contract awarded pursuant to the corrective action will not begin until issuance of the protest appeal decision, if any, made by the Deputy Director of the Acquisition Services Branch and described in Section 5.1403(b) of the FDIC Acquisition Policy Manual, or the time for such an appeal has expired. For purposes of any FDIC protest or Deputy Director appeal filed by Z, Inc., Z, Inc. agrees that the deadlines established in the FDIC Acquisition Policy Manual for such a protest or appeal shall be set in calendar days rather than business days. Accordingly, if

the last day for filing any protest or appeal in this matter, or any other relevant action, is not a business day, then the last day shall instead be the next business day.

We have conferred with counsel for Z, Inc., and Z, Inc. does not object to the proposed corrective action. We also understand that upon implementation of the corrective action, Z, Inc. will voluntarily dismiss this action. If, for any reason, Z, Inc. has not filed a notice of voluntary dismissal by April 4, 2019, the parties will provide the Court with a status update at the conference scheduled for that date, in accordance with the Court's order dated March 27, 2019.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/ Douglas K. Mickle
DOUGLAS K. MICKLE
Assistant Director

Of Counsel:
JEFFREY L. WEEKS
Counsel - Contracting & Leasing Group
Federal Deposit Insurance Corporation
Dallas, TX

CHRISTOPHER L. HARLOW
Trial Attorney
U.S. Department of Justice
Civil Division
Department of Justice
PO Box 480
Ben Franklin Station
Washington, DC 20044
Tel: (202) 616-0478
Fax: (202) 307-0972

March 29, 2019

Attorneys for Defendant